IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 624 OF 2002

Govind Shivaji Lonkar. ... Appellant.

V/s.

Murlidhar Mhasku Gadhave
and others. ... Respondents.

Mr.G.S.Godbole for the appellant.

Ms.Sangeeta Chaudhary i/b. Revati Mohite Dere
for respondent No.1.

CORAM : A.S.Oka, J.

DATED : 7th March, 2005.

P.C. :

. Heard the learned counsel for the parties.

2. The challenge in this Appeal from Order preferred by the original Plaintiff is to the judgment and order dated 5th February 2002 passed by the learned Additional District Judge, Pune by which order of remand has been passed.

3. The perusal of the order of remand shows that the trial Court proceeded with the suit without there being any written statement of original Defendant No.1 on record. The Appellate Court has referred to the said fact and also held that there were certain documents produced by original

Defendant No.1 which are not considered by the learned trial Judge.

4. While passing the order of remand, the learned Appellate Court permitted the original Defendant No.1 to file his written statement. The learned counsel for the Respondent No.1 - original Defendant No.1 stated that written statement has already been filed in the trial Court.

5. Considering the ground on which order of remand is passed, no interference with the impugned order is call for at this stage. Accordingly, Appeal is dismissed with no order as to costs. The learned trial Judge will decide the suit as expeditiously as possible and in any event on or before 30th November 2005.

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